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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1047 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Sameer Vaidya i/b Mr.R.B. Mokashi for the applicant.

Mrs.R.M. Gadavi, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 20TH NOVEMBER 2007

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P. for the State.

2. Offence under section 8(c), 20(b)(ii), 29, 37 and 67 of the N.D.P.S. Act has been registered. Charge-sheet has been filed. The applicant made an application for bail before the Sessions Judge. By an order dated 31st October 2006, the learned Sessions Judge rejected the said application.

3. I have perused the order passed by the learned Sessions Judge. In para 8,

the learned Sessions Judge has observed the existence of strong circumstance about the involvement of the applicant in the offence. This is a prima facie finding of fact based upon materials which were produced before the Sessions Judge. I see no reason to take a view different than the view taken by the learned Sessions Judge. In view of the non-obstinate clause in section 37 of the N.D.P.S. Act, the applicant is not entitled to bail especially in view of the finding of the learned Sessions Judge that a strong circumtance exists about the involvement of the applicant.

4. In the circumstances, application for bail is rejected.

(D.G. KARNIK, J.)